

### **AMENDMENTS TO THE DRAWINGS**

Please insert new Figures 4, 5 and 6, enclosed. No new matter is added.

## **REMARKS**

Claims 1-16 are now pending in the application. Claims 9-13 have been cancelled. New claims 14-16 have been added. No new matter is added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **CLAIM OBJECTION**

Claim 2 stands objected to as being redundant and not further limiting the invention of Claim 1. Applicant respectfully traverses this objection.


Claim 1 does not include the last provision of Claim 2. Specifically, Claim 1 does not include the language “a color filter layer is provided on the transparent substrate side of at least one type of the other color conversion layers.” Accordingly, Applicant respectfully asserts that Claim 2 is not redundant, and does in fact further limit the invention of Claim 1. Applicant respectfully requests withdrawal of this objection.




### **DRAWING OBJECTION**

The drawings stand objected to as not showing every element of Claims 7 and 8. Applicant respectfully asserts that the identified features are not required to be illustrated in the drawings, since their illustration is not needed for a clear and complete understanding of the invention. Nevertheless, in order to further prosecution of this application, Applicant has included herewith new Figures 4-6, which show the identified features. Specifically, Applicant believes the new figures show the luminescent part on the color conversion




layer, and the luminescent part being provided through an overcoat. No new matter has been added. Applicant respectfully requests withdrawal of this objection.

The drawings further stand objected to as not showing the color conversion layer having a concave surface. Claim 1 has been corrected to replace “concave” with “convex” in accordance with the specification. Applicant believes the Examiner would likewise assert that the claimed convex surface is not shown in the drawings. Applicant respectfully traverses this objection.

The specification repeatedly refers to a concave region or concave part having bottom and wall surfaces. See, e.g., page 7 at lines 19-20; page 7 at lines 24-25; page 11 at lines 34-35; page 12 at lines 4-5; and page 13 at line 24. The specification further describes that this concave region can be “defined by the substrate and the black matrix.” See, e.g., page 14 at 26-27. Referring to Fig. 2 (a), the drawings show that transparent substrate 1 forms the bottom surface of, and black matrix 2 forms the wall surfaces of, several concave regions. Thus, these bottom and wall surfaces together form the concave surface (i.e., an inwardly bulging surface ) of the concave region.



The specification describes that the “color conversion layer” can be formed by applying a composition for the color conversion layer onto the concave surface (i.e., the inwardly bulging surface ) formed by the bottom surface and wall surfaces) defining a concave region, and solidifying the composition. See, e.g., original Claim 9, and page 6, line 4 to page 7, line 10. Thus, any “color conversion layer” so formed, will have a corresponding convex surface (i.e., an outwardly bulging surface ) at its boundary with the concave surface of the concave region. See, e.g., the lower convex surface (outwardly bulging surface ) of color conversion layer 4 (B) in Figs. 1 (c), 1 (d), 2 (a), 2

(b), and 2 (c). Accordingly, Applicant respectfully asserts that the claimed convex surface of color conversion layer 4 of Claim 1 is fully illustrated in the drawings as originally filed.

To the extent this objection is asserting that the bottom and wall surfaces forming the concave regions are somehow not concave because they are flat, notched or stepped surfaces (rather than being curved), it can be seen in the drawings that these surfaces together define a concave surface (i.e., an inwardly bulging surface ). As noted above, the corresponding surfaces of the color conversion layer together define a convex surface when the layer is formed onto the concave region. Moreover, it is well settled that the Applicant can be his own lexicographer. In the instant specification, the Applicant as lexicographer has defined the illustrated notched or stepped surfaces of the concave region as the concave surface (i.e., an inwardly bulging surface  ) of the concave region. Accordingly, the mirror surface of the color conversion layer is the claimed convex surface (i.e., outwardly bulging surface  ). In other words, a convex surface is clearly defined in the specification as including the notched or stepped surfaces illustrated in the drawings. Thus, the claimed convex surface is fully illustrated in the drawings. Accordingly, Applicant respectfully requests reconsideration and withdrawal of this objection.

#### **REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH**

Claims 1-8 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, it is alleged that only “flat,” “notched or stepped” surfaces are shown. Further, it is noted that although a “concave region” or “concave part” is described, a concave surface is not mentioned. This rejection is respectfully traversed.

As discussed above, Claim 1 has been corrected by replacing “concave” with “convex,” since the specification as filed describes and illustrates the color conversion layer with a convex (i.e., outwardly bulging ) surface. This convex surface of the color conversion layer abuts up against the “concave” surface formed by the “flat,” “notched or stepped” surfaces of the concave region. Applicant believes the Examiner would likewise assert that the notched or stepped surfaces of the drawings are not a convex surface. As detailed above, it is well settled that the Applicant can be his own lexicographer and the specification as filed encompasses the combination of “flat,” “notched or stepped” surfaces illustrated in the drawings within the definition of a convex surface (i.e., mirroring the concave surface of the concave region). Thus, although any individual surface segment illustrated in the drawings may not be convex (i.e., outwardly bulging) *per se*, the illustrated combination of “flat,” “notched or stepped” surfaces together form the claimed convex (i.e., outwardly bulging ) surface. Accordingly, Applicant respectfully asserts that the specification is in full compliance with the written description requirement of 35 U.S.C. 112, paragraph regarding the claimed convex surface of the color conversion layer of Claim 1.

**REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH**

Claims 1-8 also stand rejected under 35 U.S.C. § 112 second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. Specifically, this rejection states that the language “any one of the color conversion layers have a concave surface” fails to define the metes and bounds of the invention, because “it cannot be determined which surface of a color conversion layer is to have a concave surface, or how this feature is configured in the color conversion member device.” This rejection is respectfully traversed.

Again, Applicant notes the correction herein of “concave” to “convex” in Claim 1, since the claimed color conversion layer has a convex surface which mirrors the concave surface of the concave region. Applicant believes this correction to Claim 1, along with the explanation provided above resolves any concerns that the Examiner might have regarding this claim. If, however, the Examiner is asserting that the claim must further specify a specific color conversion layer that has the claimed convex surface, or must further specify the relationship of the convex surface to something other than the color conversion layer, Applicant respectfully asserts that the metes and bounds of the claimed invention are definite without such further limitations. Accordingly, Applicant respectfully asserts that the metes and bounds of the claims are claims are definite, and requests withdrawal of this rejection.

## **NEW CLAIMS**

New Claims 14 and 15 have been added which each recite, in part, that one of the color filter layers has a convex surface. Not only does the specification detail that the color conversion layer can have a convex surface as discussed above, the specification as filed also details that the color filter layer can have a convex surface. Specifically, the specification describes that the “color filter layer” can be formed by applying a composition for the color conversion layer onto the concave surface (i.e., the inwardly bulging surface formed by the bottom surface and wall surfaces) defining a concave region, and solidifying the composition. See, e.g., original Claim 9, and page 7, lines 16-25. Thus, any “color filter layer” so formed, will have a corresponding convex surface (i.e., an outwardly bulging surface ) at its boundary with the concave surface of the concave region. See, e.g., the lower convex surfaces (outwardly bulging surfaces) of color filter layer 3 (R) in Figs. 2 (a), 2 (b), and 2 (c). Applicant believes that these claims, as well as new Claim 16, which depends from Claim 15, are also fully supported by the specification as filed and are likewise now in condition for allowance.

## **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner

believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: September 3, 2009

By:   
Michael E. Hilton, Reg. No. 33,509

HARNESS, DICKY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

MEH/sm

15011285 1